



How to Accommodate Expertise in a Democracy

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Abstract

Holst and Molander's 'fact of expertise' refers to the complexities of modern society necessitating a delegation of policymaking to unelected experts. This seems to conflict with core democratic principles. However, in section 1, I argue that instead it highlights a tension between two key justifications for democracy: ensuring equality versus achieving optimal outcomes. Section 2 aims to show that this tension arises from a failure to recognise the expertise offered by citizens. Section 3 proposes that a change in attitudes is necessary to alleviate this tension, and a legal requirement for citizens' juries is a possible means to achieve this.

Keywords: Expertise; Democracy; Citizens; Delegation

In this essay, I will present the idea which Holst and Molander label 'the fact of expertise', and the points at which it seems to conflict with core democratic principles. I will argue that instead, it highlights a tension between two main justifications for democracy. Holst and Molander's mechanisms for the legitimate use of expertise in a democracy are insufficient to relieve this tension and ensure equality and mutual respect of citizens. This shortcoming arises from a failure to recognise the expertise held by citizens in the realm of policymaking. What is thus required is a change in attitudes to recognise the expertise held by citizens. This change in attitudes should be supported by the design of a more inclusive process to incorporate this particular expertise. I propose a legally required citizens' jury as a means to do so.

1. The 'Fact of Expertise' and Democratic Justifications

Holst and Molander's 'fact of expertise' summarises the notion that the complexity of modern societies generates a dependency on experts to be able to make rational political decisions (Holst & Molander 2014). Because of this necessity, citizens are more willing to accept a high level of dependency on technocratic bodies (Turner 2003). They note that the European Commission relies extensively on both substantial internal expertise and regular consultations of expert committees and groups. Independent bodies such as the European Central Bank, and European Courts of Justice have significant powers, as their monetary

policy and justice rulings often take precedence over those of their member states (Holst & Molander 2014).

This far detached delegation of power to unelected experts seems to clash inherently with the notion of democracy itself – “rule of the people”. However, as Holst and Molander, argue, this is dependent on the definition of legitimate democracy, and the aim of democratic rule (Holst & Molander 2014). They consider two main justifications for democracy:

- 1) Democracy is justified on moral grounds, beginning with an axiomatic principle of equality that we are all equal and should be treated as such in the political realm (Saward 2001).
- 2) Democracy is justified because it leads to the best outcomes. For a political rule to be legitimate, it needs to enable ‘truth-tracking’ decisions (Christiano 2012).

If we were to adopt only the second justification, then insofar as a delegation to unelected experts provides the best outcomes, there would be no sacrifice of core democratic principles. As soon as we adopt both, privileging the opinions of unelected experts seemingly fails to maintain a notion that we are all treated equally. Therefore, the ‘fact of expertise’ appears to highlight the tension between these justifications. It could be argued that we should adopt only one justification, disregarding the other, and by doing so we could resolve the tension. However, as Holst and Molander noted, most democratic theorists would argue that neither justification will be sufficient alone (Holst & Molander 2014; Lafont 2006; Estlund 2008).

Acknowledging that a justification of democracy should reflect both its intrinsic and instrumental value, Holst and Molander assume the three functions of public deliberation in democracy, as put forth by Mansbridge (2012):

- 1) “an inclusive process of collective choice”;
- 2) promotion of “mutual respect among citizens”;
- 3) ensuring “reasonably sound decisions”. (Mansbridge et al. 2012: 11-12)

The ‘fact of expertise’, appears to conflict irreconcilably with the first function; the extensive delegation of policymaking to unelected experts excludes ‘non-experts’ from policymaking. There is also a significant concern that it conflicts with the second function. As Mansbridge et al. argues “*experts sometimes need deliberative protection from the ignorance, emotional volatility, and myopia of the non-expert. Yet that protection can generate deliberative disdain among the experts, which then provokes a reciprocal disdain of experts on the part of citizens.*” (Mansbridge et al. 2012:14). There are also concerns regarding the third function, as to whether the use of experts will necessarily enable ‘truth-tracking’ decisions (Holst & Molander 2017).

2. Recognising Expertise

Holst and Molander devise three sets of mechanisms targeting behaviour, judgement and conditions respectively, which they argue lay the foundations for legitimate use of experts within a democracy, thus satisfying Mansbridge’s functions (Holst & Molander 2017). However, while these mechanisms are necessary to ensure the accountability of experts, they are insufficient to ensure mutual respect. These mechanisms include the sanctioning of ‘sloppy work’, the exclusion of experts with poor track records and peer review by fellow experts (Holst & Molander 2017). The mechanisms they propose primarily focus on combating epistemic worries regarding expertisation and increasing the accountability of

experts. They argue that the mechanisms “imply respect for persons as sources of arguments”, however, there is no explicit assurance of mutual respect in the “transition from symmetric discourse with other experts to a non-symmetric discourse with non-experts.” (Holst & Molander 2017:244). Even by regarding the interaction with non-experts as a “non-symmetric discourse”, this implies that the two parties are not considered equal in the situation, and one party’s contribution is less relevant. To illustrate, let’s take two examples:

- 1) A theoretical physicist debating a theory with someone who has never studied physics.
- 2) A policymaker debating policy with an ordinary citizen.

It seems valid to view (1) as a non-symmetric discourse without raising concerns of disrespect. However, regarding (2) as non-symmetric discourse, thus implying that the citizen’s contribution is less, feels uncomfortable. This discomfort arises despite both situations supposedly representing an equivalent discourse between an expert and a non-expert. I believe this is due to an incorrect application of the definition of expertise in the situation. According to Goldman’s definition of expertise, an expert is someone who will “have more beliefs [...] in true propositions and/or fewer beliefs in false propositions within that domain than most people do”. As an expert, “a person must possess a substantial body of truths” (Goldman 2011: 114-115). By implication, if we define people as experts and non-expert, then the non-experts don’t possess this substantial body of truths. However, the nature of public policy means there are multiple dimensions which need to be considered, such as cost efficiency, effectiveness, and the impact on people’s lives. This last dimension is arguably the most critical to consider; however, it seems almost impossible for policymakers to possess ‘a substantial body of truths’ on exactly how a policy will impact every person’s life. Instead, the citizens themselves will have ‘more beliefs in true propositions [...] than most people do’ regarding how a particular policy will impact their own life and community.

Therefore, the unease with example (2) appears to be rooted in a failure to recognise the legitimacy of the expertise offered by citizens in the realm of policymaking. Life experience is a necessary form of expertise, creating ‘experience-based expertise’ (Collins & Evans 2002: 238). Some delegation of powers to central banks and other independent bodies is sensible due to their specific knowledge. However, when discussing policies which have a direct impact on the lives of ordinary people, it should be recognised that citizens are the only ones who know their exact standard of living. They are privy to information on how policy changes affect their families and communities. While this may be something an “expert” policymaker could theorise, or attempt to understand from a detailed data set, it wouldn’t be possible for them to fully understand what it means on the individual level, for every individual. Citizens hold the most expertise when it comes to how they feel, what they think is wrong, and what they think needs to change.

Recognising the particular expertise offered by citizens relieves the tension between the two justifications for democracy. What democracy offers is another form of collective expertise - the expertise of every citizen. Failing to recognise and incorporate citizen expertise into the process of public deliberation violates all three functions proposed by Mansbridge (Mansbridge 2012). Given that we have established their expertise is relevant to the process, not including it on arbitrary grounds (e.g. they don’t hold a formal title as ‘an expert’) means some people are not treated equally, which ultimately fails to “foster mutual respect”. This recognition shows that the issues surrounding disrespect are not inherent in an expert to non-expert discourse, as shown by the example of the physicist. Instead, these issues arise from disregarding certain people’s expertise on arbitrary grounds. By not creating “an inclusive process of collective choice” this leaves out relevant expertise, and

therefore is unlikely to ensure “reasonably sound decisions”. Thus, by recognising and incorporating the expertise held by citizens, we can relieve the tension between the two justifications for democracy. Below I propose how this could be achieved.

3. Proposal

Firstly, fostering “mutual respect” necessitates a change in attitudes; a recognition that there isn’t a blanket divide between experts and non-experts when it comes to policymaking. Instead, people have different areas of expertise, each equally valid, some which are more relevant to certain spheres than others. This change in attitudes would be embodied by creating a more inclusive process, in which citizen expertise can no longer be disregarded on the grounds that they are a ‘non-expert’.

I propose that we should put forth a legal requirement for citizen consultation in the process of significant policy formation or amendment, in the form of a ‘citizens’ jury’. The mechanisms put forth by Holst and Molander are still valid but should be complemented with this jury process, to represent some of the expertise offered by citizens. A citizens’ jury typically involves around 12-25 people from a region, aiming to represent the general public (Stewart et al. 1994). The jury can call on evidence from witnesses and judgements from subject matter experts, to then produce their final recommendation (Stewart et al. 1994). Under this proposal, their judgement would not be legally binding. However, the policymaker would be required to produce evidence that they have considered the judgement rendered, and either incorporated the judgement into the proposal or given valid and publicly available reasoning as to why they have not included it. Previous use of citizens’ juries have often been successful and shown that they can be particularly helpful when considering controversial political questions (Wise 2017). By adding a legal requirement for their judgement to be considered, this supports a change in attitudes by legally acknowledging that citizens’ expertise is valid and relevant to policymaking.

One challenge to this proposal is that it could be more cost-effective to educate people to critically assess arguments and use survey data to gather public opinions. Whilst these measures would be helpful for the inclusion of citizen expertise, and may be less expensive, a citizens jury has key advantages. A citizens’ jury represents a combination of both deliberative and participatory democracy, which actively engages the represented community. A review on community engagement practices on wind farms in the UK and elsewhere found that more engagement and deliberation with the community led to increased acceptance of wind farm proposals (Aitken et al. 2014). Furthermore, it is able to combine benefits of education and surveys. A study of 3 citizens’ juries in Scotland found that “the experience of learning was one of the highlights of the process” (Roberts & Escobar 2015: 232). The study also found that not only were jurors opinions taken into account, they also went through a process of revising their preferences and updating their beliefs following exposure to different perspectives and information (Roberts & Escobar 2015). The combination of educational and participatory benefits makes citizens’ juries a promising method to engage the expertise of citizens into the deliberative process.

To conclude, modern democracy is reliant on the use of people with specialist knowledge to guide optimal policy. However, failing to recognise that citizens have valuable expertise to contribute to policymaking creates tension between the justifications for democracy, and undermines the functions of public deliberation. A change in attitudes can potentially resolve this tension; a recognition that there isn’t a blanket divide between experts and non-experts when it comes to policymaking. This attitude change should be embodied by a more

inclusive deliberative process which legally requires consultation of citizens in the process of policy formation or amendment.

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